

## **Appendix Tab A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STANLEY M. KACZMORSKI )  
and CARMEN CUPELLI, )  
Plaintiffs, )  
vs. ) Civil Action  
OFFICE OF CONTROLLER ) No. 12-1694  
OF ALLEGHENY COUNTY, )  
and CHELSA WAGNER, )  
Controller, in her )  
individual and official )  
capacities, )  
Defendants. )

VIDEOTAPE DEPOSITION OF CHELSA WAGNER

August 13, 2013

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AGENCY

1 C. Wagner - by Ms. Elzer

2 A. You're speaking of my House employees?

3 Q. Yes.

4 A. Not campaign employees?

5 Q. Right.

6 A. Not as full-time campaign staff.

7 It's very typical that people volunteer, but  
8 not on work time, nor not on I don't believe  
9 anyone in my office took a leave of absence to  
10 come over and work on the campaign.

11 Q. Okay. So you're saying there may  
12 have been people who worked for you at the  
13 House who volunteered for your campaign outside  
14 of work time?

15 A. Correct.

16 Q. Okay. Did you use any of the same  
17 campaign staff for your House campaign and your  
18 controller campaign?

19 A. Well, J.J. Abbott came -- I hired  
20 him prior to declaring or even contemplating my  
21 run for county controller. So he was hired by  
22 me in, let me see -- campaign cycles typically  
23 take a year --

24 Q. Right.

25 A. -- because you have the primary and

1 C. Wagner - by Ms. Elzer  
2 the general. When I hired J.J. Abbott, let me  
3 see, it was in the summer. It was in the  
4 beginning of July 2010. And so while I was not  
5 at that time up for reelection for the House,  
6 you have a lot of standard kind of organizing  
7 tasks. So I hired him basically to be a  
8 campaign manager, though I was not up for  
9 reelection.

10 So to answer your question, yes,  
11 J.J. had worked for me while I was still the  
12 only office would be State House and then  
13 continued on once I started campaigning for  
14 controller.

15 Q. Okay. Can you just briefly describe  
16 what the controller does?

17 A. Sure. I would say the most succinct  
18 way to describe it is you are the fiscal  
19 watchdog for the taxpayers of Allegheny County.  
20 Another way to describe it would be being the  
21 chief fiscal officer for the county.

22 Q. Do you have any background in  
23 accounting, finance, anything like that?

24 A. I mean, I have -- my major in  
25 undergrad was public policy, so within that

1 C. Wagner - by Ms. Elzer  
2 there's heavy coursework in economics. I have  
3 done policy consulting after my undergrad, so  
4 it certainly incorporated aspects of public  
5 administration, you know, which accounting and  
6 finance certainly come into play.

7 After that, I worked as an attorney,  
8 which is, you know, quite frankly, the same  
9 background that all of my predecessors in  
10 recent history in the Controller's Office, both  
11 in the county and the city, were also attorneys.

12 Q. Right. So when did you graduate  
13 from law school?

14 A. 2005.

15 Q. Did you go to Pitt Law School?

16 A. Yes.

17 Q. Okay. How long did you work as an  
18 attorney?

19 A. Not very long full time. It was  
20 about -- so I passed the Bar in October of  
21 2005, and I worked as an attorney for I guess  
22 just over a year before being sworn in to the  
23 State House.

24 So there were times where when I  
25 began I was working full time, but shortly

1 C. Wagner - by Ms. Elzer

2 Q. Okay. So are you still affiliated  
3 with Leech Tishman now?

4 A. Yes. In an Of Counsel capacity.

5 Q. At Rosen Louik & Perry, do they do  
6 personal injury?

7 A. They do.

8 Q. Is that what you were doing when you  
9 were there?

10 A. I was actually doing discovery work  
11 to support -- they're a plaintiffs' firm, so it  
12 would be anything from personal injury --  
13 mainly personal injury or medical malpractice.  
14 Largely medical malpractice.

15 Q. You said you were at the Homyak Law  
16 Firm before them?

17 A. Correct.

18 Q. What do they practice?

19 A. Similar. They are also a  
20 plaintiffs' firm. So any kind of plaintiffs'  
21 suits were the types of things that I was  
22 working on there.

23 Q. Okay. So before you took office,  
24 the previous controller was Mark Patrick  
25 Flaherty; is that right?

1 C. Wagner - by Ms. Elzer

2 A. Correct.

3 Q. Okay. After you were elected  
4 controller but before you were sworn in, did  
5 you meet some of the people who worked at  
6 Mr. Flaherty's office?

7 A. Yes.

8 Q. Okay. Did you meet with all the  
9 employees?

10 A. Not all of them, no.

11 Q. Okay. Did you meet with Stan  
12 Kaczmarek?

13 A. Yes, I did.

14 Q. Did you meet with Carmen Cupelli?

15 A. Yes, I did.

16 Q. Okay. How did you come to meet with  
17 them?

18 A. I had -- I believe the first meeting  
19 that I had with them was in the course of  
20 routine meetings that I was doing with  
21 different employees, mainly focusing on what I  
22 believe Mark considered to be his Administrative  
23 Department. So the folks that worked most  
24 closely with Mark Flaherty.

25 Q. Mr. Kaczmarek and Mr. Cupelli were

1 C. Wagner - by Ms. Elzer

2 in that meeting?

3 A. They had individual meetings, but  
4 they fell into that category of employees.

5 Q. Okay. So you met with them  
6 individually?

7 A. Correct.

8 Q. Okay. So Mr. Flaherty considered  
9 both Mr. Kaczmarek and Mr. Cupelli to be  
10 people that worked closely with him?

11 A. Well, I mean, those are my words.

12 Q. Right.

13 A. But I think that's certainly  
14 supported from conversations that I had with  
15 Mark Flaherty, as well as the organizational  
16 chart of the Controller's Office that was given  
17 to me by Mark Flaherty, as well as job  
18 descriptions from all of the employees also  
19 given to me by Mark Flaherty.

20 Q. Okay. So you came and you met with  
21 those what you characterize as administrative  
22 employees individually?

23 A. Yes.

24 Q. Okay. When was that about?

25 A. Well, I had two individuals who did



1 C. Wagner - by Ms. Elzer

2 kind of preliminary information gathering for  
3 me. That was because I was still a member of  
4 the State House. It happened to be an active  
5 time in terms of the way the House schedule  
6 sort of ebbs and flows.

7 So, unfortunately, in terms of my  
8 own time constraints, I had just won the  
9 election for controller and had to basically do  
10 planning, in terms of being able to have a  
11 smooth transition to office; however, I wasn't  
12 in Pittsburgh. I was often in Harrisburg.

13 So my meetings with them were in the  
14 November/December time frame. Off the top of  
15 my head I can't tell you the specific date.

16 Q. Okay. So you said you had  
17 two individuals do some preliminary information  
18 gathering before that?

19 A. Correct.

20 Q. Who were they?

21 A. That's J.J. Abbott and Marty Schmotzer.

22 Q. Did Marty Schmotzer work on your  
23 campaign?

24 A. He did, yes.

25 Q. Okay. What was his position with

1 C. Wagner - by Ms. Elzer

2 the campaign?

3 A. He was considered a consultant.

4 Q. So you had Mr. Schmotzer and  
5 Mr. Abbott meet with these individuals. I'm  
6 going to show you a document.

7 MS. ELZER: Can you mark that  
8 as Exhibit 1.

9 (Wagner Exhibit No. 1 was  
10 marked for identification.)

11 Q. Okay. You can take as long as you  
12 need to take a look at this. Just let me know.  
13 My question is going to be have you seen this  
14 document before?

15 A. Yes. I don't need time. But, yes,  
16 I have.

17 Q. Okay. What is this document?

18 A. These were notes that were prepared  
19 by J.J. Abbott. It was pretty much a kind of  
20 running working document based on information  
21 that he and Marty collected from their one-on-  
22 one interviews. So though separate from this  
23 document we collected a lot of different  
24 information, this was specifically limited to  
25 information that was given by each respective

1 C. Wagner - by Ms. Elzer  
2 said, I was in Harrisburg, so I believe we  
3 utilized Google documents. So at any point in  
4 time when J.J. was putting information into the  
5 document, I would be able to in realtime look  
6 at the document and see what was there. So I  
7 had certainly reviewed this on an ongoing basis.

8 Q. All right. When you met with  
9 Mr. Kaczowski, which you said it would have  
10 been November/December of 2011?

11 A. Correct.

12 Q. Was anybody else present?

13 A. I believe it was just Ira Weiss when  
14 I met with him.

15 Q. And Ira Weiss was your attorney; is  
16 that correct?

17 A. He is a solicitor for the  
18 Controller's Office.

19 Q. Okay. Was he already a solicitor  
20 for the Controller's Office before you took  
21 office?

22 A. No, he was not.

23 Q. So did you hire him, then, as a  
24 solicitor?

25 A. Right. Upon taking office, yes.

1 C. Wagner - by Ms. Elzer

2 Q. So you and Mr. Weiss met with  
3 Mr. Kaczmarek?

4 A. Correct.

5 Q. Okay. What do you remember about  
6 that meeting?

7 A. I'm not going to look at this  
8 because this was not my meeting.

9 Q. Right. Okay.

10 A. So, I mean, my recollection was that  
11 it was brief. The way that I approached all of  
12 those meetings was, you know, telling the  
13 respective employees that I wanted them to  
14 share information with me.

15 I was never approaching this  
16 transition period in a presumptuous manner. So  
17 it was really open-ended, if they could give me  
18 more insight into what they do. And also, I  
19 mean, it was, to me, if somebody wanted to say  
20 something that they wanted to be confidential,  
21 that was fine too, because I was trying to  
22 gather information about their respective role  
23 in the Controller's Office, as well as the  
24 overall workings of the office itself. So  
25 everyone had different insight.

1 C. Wagner - by Ms. Elzer

2 Q. So when you met with Mr. Kaczvorski,  
3 you said it was brief. Approximately how long  
4 are you talking about?

5 A. I mean, this was now almost two years  
6 ago, so I don't recall specifically, but I  
7 would approximate about 15 minutes.

8 Q. Did you take any notes during that  
9 meeting?

10 A. I am not sure that I specifically  
11 did. I, you know, would have a notepad, like I  
12 do now. And I wouldn't take notes with the  
13 employees just to take notes. What I would do,  
14 however, if there was something that I had not --  
15 I mean, I can't generalize everything that I  
16 would take down in notes, but usually things  
17 that struck me in a way that I hadn't known of  
18 or learned of before, or I just wanted --

19 You know, say a specific program in  
20 the Controller's Office, if I hadn't heard of  
21 that before or didn't know of it, I might take  
22 a note on that.

23 Q. Okay.

24 A. I don't recall specifically if I  
25 took notes during that meeting but have

1 C. Wagner - by Ms. Elzer  
2 necessarily going to disagree that, if you look  
3 at Bullet 1, Mr. Kaczowski said that he  
4 started in February 2004, retired from Heinz  
5 the year before. That's information that  
6 doesn't call for either of them to provide a  
7 subjective opinion.

8 However, where you see the bullet  
9 that says "JA/," any time that either of them  
10 were offering their subjective opinion, I asked  
11 them to label it with their initials.

12 Q. Okay. So where it says "JA" on the  
13 last bullet point on Page 5, he says "seemed to  
14 have a lot of ideas for initiatives for the  
15 Controller's office -- did little describing of  
16 work as TAW manager."

17 A. Uh-huh.

18 Q. Did you agree with those assessments  
19 when you met with Mr. Kaczowski?

20 A. When -- those assessments, could  
21 you --

22 Q. The first assessment it sounds like  
23 he made is seemed to have a lot of ideas for  
24 initiatives for Controller's Office. When you  
25 met with Mr. Kaczowski, did he seem to have a

1 C. Wagner - by Ms. Elzer

2 lot of ideas for the Controller's office?

3 A. No. Not in my opinion.

4 Q. Okay. Did you talk about ideas for  
5 initiatives?

6 A. I mean, that was the opportunity  
7 that everybody was given. So I know that I  
8 explicitly stated in that interview, I want to  
9 hear your thoughts, I want to hear your ideas,  
10 I want to hear what you do.

11 Some people, you know -- I can give  
12 you an example of one employee, John Duch, if I  
13 pronounced his name correctly, who is on here,  
14 and I haven't reviewed this just prior to this.  
15 But I can tell you the interview with John Duch  
16 went on for about an hour because that was just  
17 very, very substantive in terms of work and in  
18 terms of ideas about what goes on there.

19 So when I asked that question open-  
20 ended, there were some instances where we got a  
21 lot of information and some instances where we  
22 got very little.

23 Q. When you met with Mr. Kaczorski, it  
24 was more on the end of very little information?

25 A. Yes.

1 C. Wagner - by Ms. Elzer

2 Q. Okay. Do you remember anything  
3 specific that you discussed with Mr. Kaczowski  
4 regarding ideas for initiatives for the  
5 controller's office?

6 A. I recall him speaking to his duties,  
7 but, I mean, nothing -- if you're saying ideas  
8 for initiatives, I don't recall specifically, no.

9 Q. Okay. All right. The other part of  
10 what Mr. Abbott has written is that  
11 Mr. Kaczowski "did little describing of work  
12 as TAW Manager - many of these units (Asset  
13 Management, W&M, Tax Lien) seem self-sustaining  
14 with good managers, Stan's duties directly  
15 related to position were not spoken of in much  
16 detail - even when asked specifically." Did  
17 you form the same impression when you met  
18 Mr. Kaczowski?

19 A. So I did. Because when I would have  
20 a note like that in front of me, that would  
21 tell me that that was a question that I  
22 specifically wanted to ask for follow-up.

23 So, you know, I can't recall, you  
24 know, the 15 minutes of that interview, but I  
25 know that when I look at this document, the way



1 C. Wagner - by Ms. Elzer  
2 that I approach things -- the way that I  
3 approach things were that if there was anything  
4 in here that was not answered sufficiently,  
5 that was a question for which I would follow up.

6 Q. So do you remember, then, asking  
7 Mr. Kaczvorski what his duties were?

8 A. I do, yes.

9 Q. Okay. Do you remember how he  
10 responded to that?

11 A. I do not recall his answer verbatim,  
12 but I recall it being consistent with some of  
13 J.J.'s notes, in that I did not get much  
14 explanation in terms of the duties of the  
15 so-called TAW manager.

16 Q. And TAW stands for what? Tax liens --

17 A. Tax Liens --

18 Q. Asset --

19 A. Asset Management and Weights &  
20 Measures.

21 Q. So you didn't -- after you met with  
22 Mr. Kaczvorski, you did not get a sense of what  
23 that position did?

24 A. No. I would not say that I did not  
25 get a sense of what that position did, I did

1 C. Wagner - by Ms. Elzer

2 not get the sense that what he did on a  
3 day-to-day basis was, I mean, it was not  
4 specific to that position.

5 Q. okay. Did you review the job  
6 description of the TAW manager?

7 A. Yes, I did.

8 Q. okay. I'll show you that, what  
9 we'll mark that as Exhibit 2.

10 (Wagner Exhibit No. 2 was  
11 marked for identification.)

12 Q. okay. Have you seen this document  
13 before?

14 A. Yes, I have.

15 Q. okay. This is the job description  
16 for the TAW manager?

17 A. Yes.

18 Q. okay. When did you review this?

19 A. I would say roughly it was within  
20 that same time frame, November/December. This  
21 was provided to me by Mark Flaherty and his  
22 deputy, Guy Tumolo; however, there were delays  
23 in me receiving this. And my understanding of  
24 that was that the respective employees were  
25 still working on these documents.

1 C. Wagner - by Ms. Elzer

2 Q. Okay. So you see there's an  
3 original date of May 8, 2011, there?

4 A. Correct.

5 Q. Okay. But your understanding is  
6 that the document hadn't been completed by the  
7 November/December time frame?

8 A. This says original date May 8, 2011,  
9 I mean, I don't think I saw anything like this  
10 until the November time frame.

11 Q. Okay.

12 A. So I don't have knowledge as to  
13 whether this was in fact started on the  
14 original date. All I know of that, that they  
15 were given to me in the November/December time  
16 frame and that there were delays, because this  
17 was part of the binder which we were provided,  
18 that was basically a replica, though updated,  
19 of the provider that Mark Flaherty received  
20 from Dan Onorato when he took office eight years  
21 prior.

22 So I actually had the copy of that  
23 binder from Dan Onorato sooner than I had the  
24 updated copy because it was still a work in  
25 progress.

1 C. Wagner - by Ms. Elzer

2 Q. okay. We'll get to this in more  
3 substance later, but at some point you decided  
4 to eliminate some positions; correct?

5 A. That's correct.

6 Q. One of the positions you eliminated  
7 was the TAW manager position?

8 A. Correct.

9 Q. Had you reviewed this job  
10 description before you decided to eliminate the  
11 position?

12 A. Yes. Before I ultimately decided on --  
13 I mean, things that I was figuring out were --  
14 part of the review for those decisions were the  
15 job descriptions; were the interviews; you  
16 know, the Administrative Code. I mean, it was  
17 really taking all of the information, including  
18 the job descriptions.

19 Q. During your meeting with  
20 Mr. Kaczowski, do you recall telling him that  
21 you were very loyal to your people?

22 A. No.

23 Q. Okay. Do you recall ever making  
24 that statement?

25 A. No. And my, you know, what I would

1 C. Wagner - by Ms. Elzer

2 gather is that's a rather gross mischaracterization  
3 of a conversation.

4 Q. Do you recall a conversation -- let  
5 me ask it this way. Saying it's a gross  
6 mischaracterization, do you remember a  
7 conversation that something like that was said?

8 A. No. What I indicated was that --  
9 this was a very short exchange, short being  
10 15 minutes or thereabouts.

11 Q. Right.

12 A. I would start off all of these  
13 interviews or meetings in the same way, in that  
14 I would indicate to the respective individuals  
15 that, you know, this was an opportunity for  
16 them to describe what they do, give me  
17 information, ask me questions if they had  
18 questions of me. But I also did say to them  
19 I'm in the process -- you know, I think it's  
20 always fair to give people information about  
21 what you're doing in a meeting.

22 So, you know, even today if I call  
23 somebody up and say, I would like to meet with  
24 you, I just don't kind of blind-side them. So  
25 what I would say in the meetings is that I am

1 C. Wagner - by Ms. Elzer  
2 reviewing the organizational structure and  
3 working to see the management structure,  
4 overall structure, employment practices, so on  
5 and so forth, that will best suit my  
6 administration in the Controller's Office.

7 I know that I did say that there  
8 were different people that would be meeting  
9 with them and that there were people who had  
10 worked with me in the State House, some for  
11 five years, and they were people that would  
12 likely be coming on with me, and that those  
13 people had proven themselves in terms of their  
14 work history to me, so that they were folks  
15 that were important to me.

16 Q. Okay. So you would have said  
17 something along those lines to Mr. Kaczorski  
18 when you met with him?

19 A. Correct.

20 Q. All right. Do you recall meeting  
21 with Carmen Cupelli in the November/December  
22 time frame?

23 A. Yes, I do.

24 Q. Do you recall anything about that  
25 meeting?

1 C. Wagner - by Ms. Elzer

2 A. I do. I recall Mr. Cupelli seeming,  
3 you know, somewhat nervous, you know, just in  
4 terms of personal observations in the meetings.  
5 I also recall him referring, you know, when I  
6 would ask about his job duties, referring to  
7 his own notes that he brought to the meeting.

8 Q. Okay. So when you say that you  
9 could tell he was nervous, what did he do that  
10 led you to believe that he was nervous?

11 A. I mean, again, this was two years  
12 ago. I know that was my impression. You know,  
13 whether it was somebody shifting in their  
14 chair. I know that was my impression.

15 I don't think he had clear answers,  
16 like I said, when I asked those standard  
17 questions as to what somebody's responsibilities  
18 were but instead was looking at a paper. You  
19 know, he may have been -- of course, everybody  
20 has different mannerisms when they are nervous.  
21 You know, I don't recall specifically if his  
22 hands were shaking, but he exhibited  
23 characteristics that I would classify as  
24 nervous behavior.

25 Q. Okay. You just don't remember

1 C. Wagner - by Ms. Elzer

2 specifically what those were?

3 A. The one that was clear to me was not  
4 being able to give answers and looking down at  
5 a piece of paper. Delays, that sort of thing.

6 Q. Okay. So the paper that he looked  
7 at, did it appear to be handwritten notes?

8 A. I don't recall.

9 Q. Okay. About how long did you meet  
10 with Mr. Cupelli?

11 A. My recollection is roughly the same  
12 amount of time, about 15 minutes.

13 Q. Okay. Do you remember anything that  
14 was discussed during that meeting?

15 A. Again, that I -- things that, you  
16 know, that stick out to me more with any of the  
17 employees with whom I met are the things that,  
18 you know, may be slightly unique.

19 And one of the statements that he  
20 made that most certainly was not solicited and  
21 was not how I basically -- what I cared to hear  
22 for or how I conducted any of these meetings,  
23 you know, he told me, you know, that he would  
24 be happy to help me in any way. I forget if he  
25 said specifically campaign, but that was



1 C. Wagner - by Ms. Elzer

2 certainly what the reference was, that he would  
3 be happy to help me on campaigns and be helpful  
4 to me.

5 Q. Okay. Now, you had already been  
6 elected at this point; correct?

7 A. Correct.

8 Q. Okay. But you understood him to be  
9 saying that he would help you campaign in the  
10 future?

11 A. Right.

12 Q. Okay. Do you remember anything else  
13 he said?

14 A. Not specifically. But, again, it  
15 was consistent with, you know, what I had  
16 gathered, you know, from the meeting, the  
17 preliminary meeting, that J.J. and Marty had  
18 with him, and then also other information that  
19 I reviewed; and, you know, all of the other  
20 sorts of meetings that I had with folks in the  
21 controller's office such as Mark, Guy, and so  
22 forth.

23 Q. So you met with Mark Flaherty and  
24 Guy Tumolo. Did you discuss Mr. Cupelli's job  
25 duties during these meetings?

1 C. Wagner - by Ms. Elzer

2 A. Yes. They were discussed.

3 Q. Okay. What did they say?

4 A. Guy said, and I am, you know, not  
5 quoting him verbatim, but Guy told me that  
6 there was no, you know, specific thing that he  
7 was doing or that wasn't adding value to the  
8 office.

9 Q. That's what Mr. Tumolo told you?

10 A. Correct.

11 Q. Did Mr. Flaherty say anything like  
12 that?

13 A. No. Mr. Flaherty's depiction was  
14 very different. And I recall a specific  
15 meeting that Mark and I had where Mark  
16 described Mr. Cupelli as doing, I mean, I would  
17 describe it as every task under the sun, but  
18 many of them not being specific to that office.  
19 So Mark described him as an indispensable  
20 employee.

21 Q. Did he explain what kind of tasks  
22 that he did?

23 A. Not well. So, like I said, he made  
24 it sound like it was a laundry list of  
25 different tasks, in the same way that you'll

1 C. Wagner - by Ms. Elzer

2 look at a job description or other. But when  
3 you talk about, for example, this tax lien  
4 business, that was not a task that was specific  
5 to the Controller's office.

6 So though he attempted to describe  
7 what he did, I mean, you being an attorney, you  
8 certainly know the difference when you're  
9 hearing something that has backing and  
10 documentation or something that really just  
11 doesn't add up. It didn't add up.

12 Q. Okay. When you talk about the tax  
13 lien business not being specific to the  
14 Controller's office --

15 A. Correct.

16 Q. -- was that shared with another row  
17 office?

18 A. Well, the primary responsibility for  
19 oversight of tax liens is the Treasurer's office.

20 Q. Okay. Was that something that you  
21 understood the Controller's Office to also have  
22 responsibility over?

23 A. No.

24 Q. Okay.

25 A. Not specifically. I mean, there's

1 C. Wagner - by Ms. Elzer

2 some -- there's some duplicative work that has  
3 historically been done in the Controller's  
4 office. But, you know, duplication of what one  
5 office is doing in the Controller's office or  
6 any other, you know, it's not an efficient way  
7 of handling government.

8 Q. So when you say the tax lien was the  
9 primary responsibility of the Treasurer's  
10 office, is that statutory, if you know?

11 A. I believe it may be, but I don't  
12 recall specifically. I know it's not  
13 statutorily a, you know, substantive function  
14 of the Controller's Office.

15 Q. Okay. And you had the understanding  
16 that it was a function of the Treasurer's Office?

17 A. I believe so, yes.

18 Q. Okay. So you said you had talked to  
19 Mr. Flaherty and Mr. Tumolo about Carmen  
20 Cupelli and his job duties.

21 A. Uh-huh.

22 Q. Did you have a similar conversation  
23 regarding Mr. Kaczowski?

24 A. Nothing sticks out specifically.  
25 You know, I believe -- well, I know Guy Tumolo

1 C. Wagner - by Ms. Elzer  
2 advocated for Mr. Kaczorski. Other folks  
3 approached me, including my own aunt, who,  
4 quite frankly, has been my biggest supporter  
5 ever in politics, Eileen. It was one of the  
6 things that she said to me very early, that she  
7 had a very good friend in the Controller's  
8 office, Mr. Kaczorski, and asked that I keep  
9 him on staff.

10 Then also Bill Pietragallo, who has  
11 been a long campaign supporter of mine. I had  
12 him as a professor in law school. He was  
13 actually one of the first people to ever  
14 contribute to one of my campaigns. So he also  
15 asked me to keep Mr. Kaczorski on.

16 Q. And your aunt is Eileen Wagner?

17 A. Correct.

18 Q. And she knew Mr. Kaczorski somehow?

19 A. Correct.

20 Q. Okay. When these people advocated  
21 for Mr. Kaczorski, did they say why?

22 A. No.

23 Q. Okay. They wouldn't have known,  
24 like, about the job that he performed?

25 A. I can't speak to that.

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2 Monday to Wednesday, so I believe I probably  
3 spoke with him around that date. And, I mean,  
4 Marty just said that it was a good interview,  
5 and that in an odd sense they figured out that  
6 they both had some connection to the South Side  
7 and how they were related and figured that out  
8 in the interview.

9 Q. Okay. So on Exhibit 1 we also have  
10 the interview of Mr. Cupelli, which I guess his  
11 name is at the bottom of Page 3 and the  
12 substance is on Page 4, which looks like  
13 Mr. Abbott and Mr. Schmotzer met with Mr. Cupelli  
14 the same day they met with Mr. Kaczorski,  
15 according to these documents.

16 So when you talked to Mr. Schmotzer  
17 about Mr. Kaczorski and about how he was his  
18 cousin, did he mention Mr. Cupelli during that  
19 conversation as well?

20 A. I believe, but I don't have any  
21 specific recollection of that conversation.

22 Q. Okay. So you don't remember  
23 anything about that?

24 A. No.

25 Q. Okay. Reading what has been written

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2 about Mr. Cupelli on Exhibit 1, was that  
3 consistent with your meeting and the  
4 information you got from Mr. Cupelli?

5 A. Yes, I believe so.

6 Q. Did you review Mr. Cupelli's job  
7 description at any point?

8 A. Yes.

9 Q. I'll show you that.

10 MS. ELZER: This will be  
11 Deposition Exhibit 3.

12 (Wagner Exhibit No. 3 was  
13 marked for identification.)

14 Q. Have you seen this document before?

15 A. Yes, I have.

16 Q. Do you understand this to be the job  
17 description for Mr. Cupelli?

18 A. Yes, I do.

19 Q. Okay. Did you see this document at  
20 the same time that you saw Mr. Kaczorski's job  
21 description that you were talking about earlier?

22 A. In all likelihood, yes.

23 Q. Okay. So it was in that same binder  
24 that you were talking about?

25 A. Correct.

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2 Q. In reviewing this document, did you  
3 get a better sense of what Mr. Cupelli did at  
4 the Controller's Office?

5 A. Could you repeat the question?

6 Q. When you reviewed Exhibit 3,  
7 Mr. Cupelli's job description, did you get a  
8 better sense of what he did at the Controller's  
9 office?

10 A. I would answer that no, because it  
11 did not, you know, really seem to be  
12 substantive work, what I would consider to be  
13 substantive work.

14 Q. Okay. So the first duty listed here  
15 is investigates all requests from Allegheny  
16 County taxpayers related to property  
17 assessments. Is that something anybody does at  
18 the Controller's Office now?

19 A. No. I can tell you that I have been  
20 in office for over a year and a half, and we  
21 have had no need whatsoever for anybody to,  
22 what this says, investigate a request from  
23 taxpayers related to property assessments.

24 I have done an audit, but that's the  
25 specific work that has been done within our



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2 Audit Division. In terms of the -- I mean,  
3 it's summarized in reports from our office. We  
4 have done what I guess I would consider to be a  
5 three-part audit on the property assessment  
6 system, which is, of course, one of the biggest  
7 hot-button issues for county residents. So  
8 it's been a focus of our audit work, but it is  
9 not a function as described here.

10 Q. Okay. When you did the audit, who  
11 assists you with the audit, if anyone?

12 MR. GLEASON: I'm sorry. I  
13 couldn't understand the last line.

14 Q. Who assists you with the audit?

15 A. Our Audit Division, which is headed  
16 by Lori Churilla.

17 Q. Do you have an understanding of  
18 where taxpayers are supposed to inquire about  
19 property assessments?

20 A. The Office of Property Assessment.

21 Q. So, in your understanding, they  
22 shouldn't be calling the Controller's Office?

23 A. I never turn anybody away from our  
24 office. I mean, that has been a philosophy of  
25 mine in the State House. I believe that all

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2 government officials should not add to the red  
3 tape but should basically provide assistance  
4 where they can.

5 So what that would mean in the  
6 day-to-day course of business, say somebody  
7 calls and doesn't know where to go for -- has a  
8 question related to their garbage being taken  
9 out or a street being plowed. I wouldn't  
10 instruct my employees to hang up the phone and  
11 say, that's not our problem, call such and such  
12 office. I would ask them to make sure that we  
13 acted as a liaison, got the folks in touch with  
14 the respective programs.

15 So no one would be hanging up the  
16 phone if somebody called our office asking  
17 about any subject.

18 Q. Okay. So are you aware of people  
19 calling with questions about property assessments?

20 A. It certainly happened during the  
21 course of the audit. You know, I sign letters --  
22 I mean, I would categorize these as sort of  
23 like a constituent, a day-to-day constituent  
24 activity, which is language that I kind of  
25 adopted or that is more commonplace in the

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2 State House, but you still get those kinds of  
3 inquiries.

4 I mean, I'm really generalizing in  
5 saying garbage or --

6 Q. Right.

7 A. -- street cleaning. But typically  
8 when those come to our office, so I know what  
9 is going, I sign the letter that goes out to a  
10 constituent saying, thank you for your call,  
11 I'm glad that so-and-so at our office received  
12 your call and directed you to such-and-such.  
13 So I don't see it often --

14 Q. Right.

15 A. -- in terms of property assessments.

16 Q. Okay. So when these constituents  
17 call with these general inquiries that you  
18 described, who handles those?

19 A. I mean, it depends what the issue  
20 is. So, I mean, it could be any number of  
21 people. If it's Weights & Measures, at the  
22 time it was the individuals from Weights &  
23 Measures.

24 Q. Okay. If it was property  
25 assessments, who would it be, if you know?

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2 A. No. I mean, I'm aware of what  
3 everybody does in the office. You know, I  
4 would say -- you know, I look at this in two  
5 different periods, because, again, we had an  
6 active audit, so during that time you are  
7 soliciting more information.

8 So during that time it was -- it  
9 could be anybody on our audit team. So anybody  
10 in our Audit Division, as well as let's say  
11 folks from my administrative staff that would  
12 most likely be there to assist would be Heidi  
13 Nevala.

14 Q. Okay. The next bullet point on  
15 Mr. Kaczvorski -- I'm sorry -- Mr. Cupelli's  
16 job description says "attends all Allegheny  
17 County Sheriff sales." Is that a function that  
18 anybody at the Controller's Office does now?

19 A. No.

20 Q. Has anybody done that since you have  
21 been in office?

22 A. Not unless they were doing it on  
23 their own accord.

24 Q. Right. It's not a duty that was  
25 assigned by you?

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2 A. Correct.

3 Q. Okay. Third bullet point, this  
4 "investigates tax liens and judgment requests  
5 from taxpayers and management," we had talked  
6 about the tax liens earlier. Does anybody in  
7 the Controller's Office now do these tax lien  
8 functions?

9 A. Nobody investigates tax liens and  
10 judgment requests, no.

11 Q. Okay. What about investigates all  
12 requests from taxpayers related to tax  
13 collection?

14 A. I'm not sure that I would even  
15 understand what that really means, related to  
16 tax collection. But if there is a question, as  
17 I understand it, specific to tax collection,  
18 that is a function of the Treasurer's Office,  
19 so, no.

20 Q. Right.

21 A. I mean, so there's not somebody  
22 that's doing that function in my office.

23 Q. Okay. So if somebody called, then,  
24 with a tax question, you said you don't just  
25 hang up on them and say, that's the Treasurer's

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2 office, somebody in your office would handle  
3 that?

4 A. No. That's not how I described  
5 that. I was saying that we wouldn't say, hey,  
6 call this number, goodbye, likewise, if it's a  
7 function of a different level of government.  
8 So it's most typical if it's a federal or a  
9 city issue, because we know that those folks  
10 don't get follow-up.

11 But we work very closely with the  
12 Treasurer's Office. So in issues with the  
13 Treasurer's Office, I think it's usually been a  
14 lot more -- how would I describe that --  
15 a lot more streamlined and a lot more  
16 cooperative because the Treasurer's Office is  
17 right next door to us.

18 So if somebody from my office sees  
19 an employee from the Treasurer's Office, it's  
20 fairly easy to say, hey, Mr. Smith called and  
21 had a question about tax collection, did you  
22 all handle that? And we know that it would be  
23 handled.

24 Q. Okay. So when you were talking  
25 about not passing the buck, you're talking

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2 about more different levels of government than  
3 city, federal, or state?

4 A. No. I am talking about all of them.  
5 But it's not a primary function of our office,  
6 and that's where the difference is in  
7 government.

8 Q. Now, back to the job description.  
9 The next bullet point says "serves as liaison  
10 to various county boards and county committees  
11 as requested by management." Does anybody do  
12 that now?

13 A. Well, I -- it's not clear to me  
14 which specific boards or committees would be  
15 requested by their management, because this is  
16 previous. We have people attend different  
17 meetings, but I do that not as a routine  
18 activity, but as something that is informing  
19 specific work of our office.

20 So, for example, last week I  
21 attended a Port Authority Board meeting because  
22 we are working, or not a Board meeting but a --  
23 interviews for different candidates who were  
24 bidding on the audit work for the airport. Did  
25 I say Port Authority?